



NEWSLINE

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Tennessee Department of Commerce and Insurance*



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Chairperson's Report

by Terri Walker, Chairperson



There is a principle of real estate that says "real estate is always changing and never remains the same." The same could be applied to today's auction business. The face of the auction business is presenting new problems that require new solutions. Some of these solutions may require new rules or even new law changes.

The first problem is the issue of estate sales that are being facilitated by individuals operating under the disguise of glorified yard sales. These participants are marketing the sale of household goods, antiques, personal property, and vehicles as a "tag sale". The most famous tag sale was the "estate sale" of personal property belonging to singer/songwriter Waylon Jennings. Items were offered for sale on the Jennings property, but when the post price was deemed too high by buyers, negotiations (also known as bids) were accepted by the facilitator. The result is an auction disguised as a "tag sale." The "tag sale business" has expanded over the past five years without any challenge. The TAC has had complaints from auctioneers requesting the Commission to act. The truth is that the line between tag sales and auctions is so blurred that it is difficult to determine if the auction law is sufficient to cover the new business. When the question was raised about five years ago, the TAC was informed that a law change might be required to include these "tag sales". So far, the auction industry has not attempted to put these tag sales under the jurisdiction of the TAC.

The second problem is the issue of those operating auction businesses in Tennessee without the proper license. This problem has existed since licensing began in the 1960's and continues to cause problems in the industry. There is a sub-culture of weekly or monthly auctions operating in the more rural areas of the state without the benefit of a license. Local auctioneers complain about these unlicensed individuals, but are not willing to provide information sufficient to track them down and have them prosecuted. A large part of policing the auction business falls to those with licenses that are located all over the state. You have the power and responsibility to report those individuals that insist on breaking the law and operating without the proper auction license and firm license. Should you have information about individuals operating illegally within the state, please contact the TAC office.

We will see you at the next TAC seminar.

COMMISSION MEMBERS AND STAFF

Terri Walker, Chairperson

Term 9/1/02 - 8/31/05

Howard Phillips, Board Member

Term 9/1/03 - 8/31/06

Marvin Alexander, Board Member

Term 11/30/04 - 8/31/07

Bobby Colson, Board Member

Term 8/31/04 - 8/31/07

John McLemore, Esq., Consumer Member

Term 9/1/04 - 8/31/07

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Dennis Hodges, Investigator

dennis.hodges@state.tn.us

Website: www.state.tn.us/commerce/boards/auction

MISSION STATEMENT:

The mission of the Tennessee Auctioneer Commission is to protect the public and licensees by monitoring the auctioneer profession through licensure and regulation.

STATE OF TENNESSEE

DEPARTMENT OF COMMERCE & INSURANCE

TENNESSEE AUCTIONEER COMMISSION

500 JAMES ROBERTSON PARKWAY

DAVY CROCKETT TOWER, 6TH FLOOR

NASHVILLE, TENNESSEE 37243-1152

615-741-3236

615-741-1245 (Fax)

www.state.tn.us/commerce/boards/auction

Rulemaking Hearing

Lynn McGill, Administrative Director

RULEMAKING HEARINGS DEPARTMENT OF COMMERCE AND INSURANCE - 0780 DIVISION OF REGULATORY BOARDS

There will be a hearing before the Commissioner of Commerce and Insurance or her designee to consider the promulgation of rules pursuant to Tenn. Code Ann. §§ 56-1-302(a)(5) and 4-3-1 01 1. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-204, and will take place in Room 640 of the Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, Tennessee at 10:00 a.m. (Central Time) on Wednesday, June 22, 2005.

Any individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (or the date the party intends to review such filings) to allow time for the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with Don Coleman, the Department's ADA Coordinator, at 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243 at (615) 741-0481.

For a copy of this Notice of Rulemaking Hearing, contact the Division of Regulatory Boards, attention Linda Goodwin, 500 James Robertson Parkway, 2nd Floor, Nashville, Tennessee 37243 at (615) 741-3449.

SUBSTANCE OF PROPOSED RULES CHAPTER 0780-5-11 GENERAL PROVISIONS NEW RULE TABLE OF CONTENTS

0780-5-11-.02 Regulatory Fee

0780-5-11-.02 REGULATORY FEE.

The Division or any board, commission or agency attached thereto is authorized to charge to each licensee, permittee or registrant a state regulatory fee of five dollars (\$5.00) per year (or ten dollars (\$10.00) per biennial renewal period) or such other amount as set each year in the general appropriations act. The state regulatory fee shall be in addition to each

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Rulemaking Hearing (continued)

license, permit or registration fee charged by the Division or any board, commission or agency attached thereto and shall be due at the same time as the initial license, permit or registration fee or renewal fee.

Authority: T. C.A. §§ 56-1-302(a)(5) and 4-3-101 1.

The notice of rulemaking hearing rules set out herein was properly filed in the Department of State on the 27th day of April, 2005. (04-1 1)

Note: Due to printing timetable, this event occurs in the past. Check the TAC website for up to date information.

Renew your license at your convenience - Use our online renewal process - Quick and Easy! Go to <http://www.tennesseeanytime.org/tnauct/>

License Renewal

Lynn McGill, Administrative Director

Many licensees will be renewing their license during 2005. We would like to remind you that you are required to have proof of 6 hours of approved auction continuing education in order to renew your license. If you received your license after January 1, 1985, you are required to show proof of continuing education. If you received your license prior to this date you are exempt from presenting proof of continuing education.

If you have been in the auction business as an auctioneer for ten (10) years and have reached the age of sixty (60) years of age you are exempt from presenting proof of continuing education no matter when you received your license. Proof of your continuing education should have been reported to the TAC electronically from the CE vendor and no document is required from you.



Have you moved lately? We would like to hear from you. Don't forget to change your address with the TAC!

Exam Contract Awarded

by Lynn McGill
Administrative Director

Psychological Services, Inc., (PSI) was awarded our exam contract starting July 1, 2005. All questions for information pertaining to the examination should be directed to PSI. All questions and requests for information pertaining to licensure should be directed the Tennessee Auctioneer Commission. PSI will maintain and staff a permanent testing site in the following locations:

Nashville (Davidson County), testing is five days per week - Tuesday through Saturday, 8:00 AM to 4:30 PM CST. LOCATION: The Oaks, 1101 Kermit, Suite 630, Nashville, TN 37217.

From I-40 East, take exit onto I-24 (Exit 213-A). Take Murfreesboro Road at the first exit (Exit 52). Stay in the right lane on the ramp, as the exit appears while you are still in the curve. On Murfreesboro Road, stay in the left lane. You will pass Days Inn and H.G. Hill grocery on your right. Turn left onto Kermit St. PSI is in the first building on your right. When you exit the elevator on the 6th floor, look to your right; PSI is in Suite 630.

From I-40 West, take exit onto Briley Parkway, turn left onto Briley. Exit onto Murfreesboro Rd. Stay in the right lane. Turn right onto Kermit St. between a Firestone store and Silverado Dance Hall. PSI is in the first building on your right in Suite 630.

Knoxville (Knox County), testing is five days per week-Tuesday through Saturday, 8:00 AM to 4:30 PM EST. LOCATION: 308 North Peters Rd, Ste 205, Knoxville, TN 37922. From East Knoxville: Take I-40 West (I-75 South) to exit #378 (Cedar Bluff). Take a left upon exiting (under freeway). Take a right on N. Peters Rd. at the first traffic light (Market Place). Take a right into Advantage Place (across from Microtel Hotel). Take first left into parking lot.

From West Knoxville (Farragut or anywhere west of Knoxville): Take I-40 East (I-75 North) to exit #378 (Cedar Bluff). Take a right onto Cedar Bluff Rd. Take a right on N. Peters Rd. at the first traffic light (Market Place). Take a right into Advantage Place (across from Microtel Hotel). Take first left into parking lot.

From North Knoxville: Take I-275 South to I-40 West I-40 West (I-75 South) to exit #378 (Cedar Bluff). Take a left upon exiting (under freeway). Take a right on N. Peters Rd. at the first traffic light (Market Place). Take a right into Advantage Place (across from Microtel Hotel). Take first left into parking lot.

From Kingston Pike: Head west on Kingston. Take a right at Cedar Bluff Rd. Take a left on N Peters Rd. at the first traffic light (Market Place). Take a right into Advantage Place (across from Microtel Hotel). Take first left into parking lot.

Exam (continued)

Memphis (Shelby County), testing is five days per week-Tuesday through Saturday, 8:00 AM to 4:30 PM CST. Location: Apple Tree Center, 6099 Mt. Moriah Extended, Suite 17, Memphis, TN 38115.

Coming North from Mississippi on Interstate Hwy 55, take Interstate Hwy 240 East. Proceed 8.5 miles to Mt. Moriah Rd. Exit. Go South on Mt. Moriah Rd. 2.2 miles. Apple Tree Center is on the right (just past the intersection with Hickory Hill and Ridgeway roads). Coming West on Interstate Hwy 40 from Nashville, exit on Interstate Hwy 240 West (the ring road). Proceed approx. 6.5 miles. Pass Poplar Ave. exit and then take Mt. Moriah Rd. Exit. Turn left (South) on Mt. Moriah and proceed 2.2 miles to Apple Tree Center on the right.

Coming East on Interstate Hwy 40, exit onto Interstate Hwy 240 South. Go approx. 6 miles to the junction with Interstate Hwy 55. Then proceed another 8.5 miles on Interstate Hwy 240 East, passing Airways Blvd., Lamar Ave., Getwell and Perkins Road exits, before exiting on Mt. Moriah Road.

For all going South on Mt. Moriah Rd., take the second entrance into Apple Tree Center. Turn left between the two buildings on the left. Then, proceed to Suite 17, which is the last suite on the left (in Bldg. 6099).

Chattanooga (Hamilton County), testing is five days per week-Tuesday through Saturday 8:00 AM to 4:30 PM EST. Location: 6918 Shallowford Rd., Suite 309, Chattanooga, TN 37421. Take I-24 thru Chattanooga. Merge onto I-75 N (toward Knoxville). Take Exit #5 - Shallowford Rd. Turn Left onto Shallowford. PSI is on the left.

Johnson City (Washington County), testing is three days per week-Tuesday, Thursday and Saturday, 8:00 AM to 4:30 PM EST. Location: 904 Sunset Drive, Ste 7A, Johnson City, TN 37604. Take I-26 to exit 36. Go south on Highway 381 (North State of Franklin Rd) approximately 2.2 miles. At the 3rd light turn left on Sunset Drive, go approximately 7 tenths of a mile. PSI is in the row of office space behind the building.

Jackson (Madison County), testing is three days per week-Tuesday, Thursday and Saturday, 8:00 AM to 4:30 PM CST. Location: 368 North Parkway, #3, Jackson, TN 38305. From North I-40, take Hwy 45 By Pass South exit. Turn left on N Parkway. PSI is in the second set of buildings next to the yoga studio.

REPORTING TO THE EXAMINATION SITE: On the day of the examination, you should arrive at least 30 minutes prior to your scheduled appointment time. This allows time for the sign-in and identification verification procedure as well as providing time to familiarize yourself with the examination process. If you arrive late, you may not be admitted to the examination site and you will forfeit your examination registration fee.





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ATF Rules & Regulations

The last seminars given by the TAC included information from the ATF on auctioning firearms. We had several inquiries from those who could not attend the sessions but wanted the written information.

You can download the entire manual or selected sections from the website www.atf.gov. For directions, see below:

-  Go to: www.atf.gov
-  Click on the Firearms tab
-  Click on #3 Additional Info: Rulings, Procedures & Industry Circulars
-  Click on: ATF Rule 96-2

Future Seminars

The next free seminar sponsored by the TAC will be in the fall and located in the East Tennessee area. Exact locations and seminar topic will be announced in the next edition of the newsletter in September. You can also check the website for updated information concerning seminars at www.state.tn.us/commerce/boards/auction.

Exam (continued from page 3)

REQUIRED IDENTIFICATION AT EXAMINATION SITE:

You must provide 2 forms of identification. One must be a VALID form of government issued identification (e.g., driver's license, state ID, passport), which bears your signature and has your photograph or a complete physical description. The second ID must have your signature and preprinted legal name. All identification provided must match the name on the Examination Registration Form.

If you cannot provide the required identification, you must call (800)733-9267 at least 3 weeks prior to your scheduled appointment to arrange a way to meet this security requirement. Failure to provide all of the required identification at the time of the examination without notifying PSI is considered a missed appointment, and you will not be able to take the examination.

To reach PSI:

PSI Licensure: Certification

3210 E Tropicana

Las Vegas, NV 89121

(800) 733-9267 Fax (702) 932-2666

www.psiexams.com



TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE AUTHORIZATION No. 335170, Revised 5/96. This public document was promulgated for 13,200 copies per issue, at a cost of 26 cents per copy, paid by the Tennessee Auctioneer Commission Education and Recovery Fund.

"The Tennessee Department of Commerce and Insurance is committed to principals of equal opportunity, equal access, and affirmative action." Contact the EEO Coordinator or ADA Coordinator (615) 741-2177 (TDD).

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